

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**DOUGLAS B. STALLEY, on behalf of
the United States of America**

PLAINTIFF

V.

NO. 4:07CV00024 JMM

**BAPTIST HEALTH,
An Arkansas Corporation**

DEFENDANT

ORDER

Pending are Defendant's motions to lift stay and to dismiss the case,¹ docket # 11 and to dismiss, docket #4.

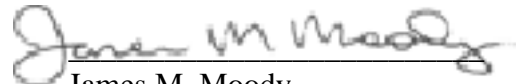
On January 10, 2007 the Defendant filed a motion to dismiss this case raising issues relative to Plaintiff's standing to assert claims against the Defendant under the Medicare Secondary Payer Act, 42 U.S.C. §1395y(b). Following receipt of Plaintiff's response, the Court entered an order staying this case pending a decision by the Eighth Circuit Court of Appeals in regard to the appeals in two similar cases styled, *Douglas B. Stalley v. Catholic Health Initiatives, et. al*, docket # 4:06CV00629-GH and *Douglas B. Stalley v. Triad Hospitals, Inc.*, docket # 3:06CV0093-WRW.

On November 27, 2007 the Eighth Circuit Court of Appeals issued a decision in these cases affirming the dismissal of the Plaintiff's Complaints on the ground that the Plaintiff lacked standing to pursue an action under the Medicare Secondary Payer Act against the defendant health care providers named therein. On January 11, 2008, the Eighth Circuit Court of Appeals issued its mandate in these cases.

¹Since the filing of the present motion the Eighth Circuit Court of Appeals has issued its mandate as set forth below.

Based upon the decision of the Eighth Circuit Court of Appeals, this Court finds that Defendant's motions to lift the stay and dismiss the case should be granted. (Docket #'s 11 and 4). Plaintiff's complaint is hereby dismissed. The Clerk is directed to close the case.

IT IS SO ORDERED this 17th day of January, 2008.

A handwritten signature in dark ink, appearing to read "James M. Moody", is written over a horizontal line.

James M. Moody
United States District Judge